

REMARKS

The Office Action of December 31, 2008 has been received and carefully considered. It appears that the Examiner has not examined the correct set of claims. It is noted that the present application is a PCT application where Claims 1, 3 and 12 were amended and Claim 22 was cancelled under Art. 36 of PCT. The annexes were submitted when entering the U.S. national stage. Thus the proper claims before the Examiner are Claims 1 – 21, as amended. Nevertheless, the pending claims as currently amended reflect both PCT amendment and additional amendment.

Applicant respectfully disagrees with Examiner's rejections for the reasons stated below. In this Amendment, Applicant has amended Claims 1, 3 and 12, and cancelled Claim 22. It is respectfully submitted that no new matter has been introduced by the amended claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

REJECTIONS UNDER 35 U.S.C. § 103:

Claims 1 – 11 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Modell (US 4,338,199) in view of Godesbert (US 5,562,585).

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention are not obvious over cited references. Claim 1 has been amended to change "waste water" to "discharged water." This is sufficiently supported by the specification, as explained in lines 24-26, page 10 of the description ("When the reaction has finished the supercritical water leaves the reactor 8 and the furnace 4 to go and cool down to an ambient temperature in the exchanger 14. Thanks to the filter 15 any solid materials present (asbestos or ACW) carried along are held, so that the water finishes in the collection tank 17 simply enriched with SiO₂ and other salts, for example MgO.").

US 4338199 discloses a method for the oxidation of organics in supercritical water. The method comprises the steps of transformation of the water in supercritical water, oxidation of the organic material in supercritical water and cooling of the mixture. The method comprises precipitation inorganics in the feed as from waste slurry, since the solubility of inorganic salts in supercritical water drops to very low levels thus causing in organics in the stream to precipitate and readily removed as by filters.

Therefore, different steps of the method of Claim 1 of the pending patent application are not disclosed in the description of US 4338199, and that is the reaction of the supercritical water with asbestos and/or with the material containing asbestos in a suitable environment (8) by means of a hydrolysis process, the cooling (14) of the waste water, the filtering (15) of the waste water and the collection of the waste water in a tank (17).

US 5562585 discloses a method wherein the asbestos or material containing asbestos are transformed by grinding into material which compresses non-fibrous, stable, mineral phase. The grinding is carried out in the form of pulverizing in an aqueous suspension together with at least one substance which in water releases OH ions.

The method of the pending patent application does not teach to separate an inorganic substance from an aqueous solution. The method comprises the step wherein asbestos reacts with the supercritical water without using an additional substance which in water releases OH ions; in US 4338199 the organic material reacts with the supercritical water in the oxidation step and the inorganic material (the salts) precipitate since the solubility of inorganic salts in superficial water and not for reaction with the supercritical water.

Therefore, the method steps of the pending patent application and prior art are different from each other; in the pending patent application and prior art are different from each other; in the pending patent application there is a reaction of the asbestos or material containing asbestos with the supercritical water while US 4338199 there is a precipitation of inorganic material and not a reaction.

In addition, the reaction in the method of the pending patent application occurs by means of a hydrolysis process; this is not mentioned in the prior art.

Moreover, the method of the pending patent application comprises the steps of cooling (14) the waste water, filtering (15) the waste water and collection the waste water in a tank (17). These above mentioned process steps are not present in prior art. In fact, US 4338199 describes the cooling of the mixture produced by the oxidation of organic material and supercritical water; the filters are used for collecting the precipitated salts. In the method of the pending patent application there is not any precipitation of salts because any salts are not generated during all the steps of the method.

In summary, there is no motivation to combine or modify the cited references as suggested by the Examiner. Even if they are combined, they will not render the present claimed invention obvious. One of ordinary skill in the art would not discern the present invention as claimed at the time of its invention.

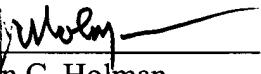
Therefore, the newly presented claims are not obvious over cited references and the rejection under 35 U.S.C. § 103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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